

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN**

DENARD ROBINSON; BRAYLON
EDWARDS; MICHAEL MARTIN;
SHAWN CRABLE, Individually and on
behalf of themselves and former University
of Michigan football players similarly
situated,

Plaintiffs,

v.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION aka “NCAA”; BIG TEN
NETWORK aka “BTN”; and BIG TEN
CONFERENCE,

Defendants.

Hon. Terrence G. Berg

Magistrate Judge Kimberly G.
Altman

Case No. 2:24-12355-TGB-KGA

RESPONSE TO PLAINTIFFS’ SUPPLEMENTAL FILING

Defendants National Collegiate Athletic Association, The Big Ten Conference Inc., and Big Ten Network, by and through their undersigned counsel, respectfully submit this Response to Plaintiffs' Supplemental Filing, ECF No. 48, to correct Plaintiffs' erroneous assertion that the reasoning set out in Judge Engelmayer's April 28, 2025 Opinion & Order in *Chalmers v. National Collegiate Athletic Association*, No. 1:24-cv-05008 (PAE) (S.D.N.Y. July 1, 2024), ECF No. 127, does not bear on Plaintiffs' claims. Far from it, *Chalmers* is on all fours with this case and strongly reinforces Defendants' arguments in support of dismissal.

Judge Engelmayer's decision in *Chalmers* dismisses with prejudice claims essentially identical to those raised by Plaintiffs here. Not only are Plaintiffs members of the putative class pleaded in *Chalmers*, see Mot. to Transfer, ECF No. 39, PageID.484–85, Plaintiffs repeat the same underlying factual allegations and bring legal claims nearly identical to those advanced in *Chalmers*. Indeed, they repeatedly copy-and-paste directly from the *Chalmers* complaint itself. *Id.* at PageID.478–49.

Relevant to the claims raised here, Judge Engelmayer concluded that: (1) the *Chalmers* plaintiffs' claims are time-barred; (2) the settlement agreement in *NCAA Grant-In-Aid Cap Antitrust Litigation (Alston)*, No. 4:14-md-02541 (N.D. Cal.) forecloses damages claims by the *Chalmers* plaintiffs that were

members of the *Alston* settlement class; (3) the *Chalmers* plaintiffs' injunctive relief claims are precluded by *res judicata* as a result of the final judgment in *O'Bannon v. NCAA*, 7 F. Supp. 3d 955 (N.D. Cal. 2014), *aff'd in part, rev'd in part*, 802 F.3d 1049, 1055 (9th Cir. 2015); and (4) the *Chalmers* plaintiffs' unjust enrichment claim is foreclosed for many of the same, as well as additional, reasons. Those defects with the *Chalmers* complaint are identical to the defects with Plaintiffs' Amended Complaint in this case that Defendants have argued require dismissal. *See, e.g.*, Mot. to Dismiss, ECF No. 40, PageID.525–33, 539–40. *Chalmers* thus confirms that Defendants' joint motion to dismiss this case should be granted.

As to Defendants' Motion to Transfer Venue, *see* ECF No. 39, the *Chalmers* decision reinforces that the Southern District of New York can efficiently resolve this case, especially with the benefit of a recent and thoroughly-reasoned opinion from an in-District judge. But this Court can also dismiss the case on the merits for the same reasons.

Dated: May 2, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2025, I electronically filed the Response to Plaintiffs' Supplemental Filing with the Clerk of the Court using the CM/ECF system which will send notification on of such filing to all parties and counsel of record.

Dated: May 2, 2025

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